

UNITED STATES DISTRICT COURT EASTERN  
DISTRICT OF NEW YORK

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Case No. 18-cv-6613

SHAKEYA RHODEN, and other similarly situated  
current and former nurses and technicians,

Plaintiff,

**DECLARATION OF SHAKEYA  
RHODEN**

- Against -

NIRANJAN MITTAL, NIRANJAN K. MITTAL,  
PHYSICIAN, PLLC,

Defendant.

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Shakeya Rhoden, hereby declares pursuant to 28 USC Section 1746 under penalties of perjury as follows:

1. I am the Plaintiff in this action and, as such, I am fully familiar with the facts and circumstances of the within matter.
2. I submit this declaration in support of my application that the Court enter a default judgment against the defaulting defendants NIRANJAN MITTAL, NIRANJAN K. MITTAL, PHYSICIAN, PLLC. and award me the full amount of my unpaid overtime compensation, violation of wage notice statutes and the violation of NYC ADC §8-107(a) and NY EX. Law § 296.
3. I reside in Queens County, New York.
4. I filed a Complaint in this Court against my former employers because they failed to pay me overtime compensation in accordance with the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL").
5. I am a female who at all times was a nurse's aide.
6. In March 2016, I began working for Defendants.
7. The regular hours I worked for Defendants was from 7:00AM until 8:00 PM, Monday

through Saturday. I received a one-hour break.

8. I always worked 78 hours per week. Of the 13 hours per day I worked, I was paid for 12. I never received a lunch.
9. The rate of pay I received varied from \$15.00 per hour in the 2016. In 2017, I was supposed to be paid \$18.00 per hour. Defendant never adjusted my per hour rate of pay during this year.
10. I was never paid time and one half for all hours I worked in excess of forty (40) per week.
11. I never received a wage notification form as New York State Law requires.
12. In 2017, my pay was unlawfully deducted in the sum of \$3.00 per hour for all hours up to forty (40) hours per week. For all hours in excess of forty (40) hours per week, my pay was deducted \$4.50 per hour.
13. I never received accurate pay checks since I was not paid time and one-half for work in excess of 40-hours per week.
14. The job I held included assisting nurses with vitals, arrange transportation for patients, assist with intake and outtake.
15. In or about June 2017, I informed Defendants, including Dr. Mittal that I was pregnant.
16. I was given a fetal heart monitor, thus allowing me to perform my position.
17. I was able to perform my position with the use of a fetal monitor when working with CT-scans and X-rays.
18. On July 12, 2017, Dr. Mittal terminated me because I was pregnant.
19. Dr. Mittal expressly informed me that he was terminating her because I was pregnant.
20. Dr. Mittal expressly told me I could reapply for my position once I was no longer pregnant.

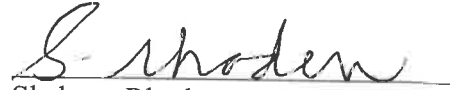
21. The motivating factor for my termination was that I was a pregnant female.
22. The reason I was terminated from my position was because I was a pregnant female.
23. As a consequence of the above, I have lost income and sustained psychological injuries, directly related to the aforementioned.
24. I returned to work at another position on May 13, 2018. As a consequence, I lost income in the sum of \$69,840.00. This would be my weekly income with proper overtime time compensation during the length of time I was unemployed.<sup>1</sup>
25. I never received a wage-theft written notification or correct payment stubs, outlining my pay and any deductions that would be applicable.
26. I am entitled to unpaid overtime for 2016 (see spreadsheet) in the sum \$16,126.00.  
With penalties, that sum is \$32,250.00
27. I am entitled to unpaid overtime for 2017 (see spreadsheet) in the sum \$16,443.00  
With penalties, that sum is \$32,886.00
28. I am also entitled to the sum of \$10,000.00 for the failure to receive a wage theft statement and accurate paystubs.
29. In November, 2018, I retained The Law Office of Jason Tenenbaum, P.C., to represent me in this this proceeding. Records of my attorneys' fees and costs incurred in this matter are attached to Mr. Tenenbaum's declaration.
30. As such, I seek the sum of \$144,976.00 in economic damages plus costs. I am also entitled to pre-judgment interest on the sum of \$65,136.00 from the middle point of my unpaid overtime claim, or November 13, 2016. I am also entitled to 9% judgment rate interest on the sum of \$79,840.00 from December 11, 2018 onward.

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<sup>1</sup> This sum is arrived through taking the product of \$1,746.00 times 40 weeks.

31. I also seek a damages hearing on my emotional distress claims under NYC ADC §8-107(a) and punitive damages.

Dated: Queens, New York  
January 28, 2019

  
Shakeya Rhoden



NAME		Shakeya Rhoden														
EMPLOYER		Niranjan Mittal														
		Niranjan Mittal, PLLC														
Week Number	Week Start Date	Week Ending Date	Paid per Week \$1080	OT per Day	Weekly Hours paid	REGULAR HOURS	Weekly OT Hours	Upaid Hours per week	Amount Due for Regular Wages	Weekly OT Due to Client	Amount unlawfully deducted (regular wages)	Amount unlawfully deducted (overtime wages)	Weekly Due to Client	Actual paid by Employer	TOTAL UNPAID WAGES	TOTAL PENALIZED
Week 01	January 2, 2017	January 8, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 02	January 9, 2017	January 15, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 03	January 16, 2017	January 22, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 04	January 23, 2017	January 29, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 05	January 30, 2017	February 5, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 06	February 6, 2017	February 12, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 07	February 13, 2017	February 19, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 08	February 20, 2017	February 26, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 09	February 27, 2017	March 5, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 10	March 6, 2017	March 12, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 11	March 13, 2017	March 19, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 12	March 20, 2017	March 26, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 13	March 27, 2017	April 2, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 14	April 3, 2017	April 9, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 15	April 10, 2017	April 16, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 16	April 17, 2017	April 23, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 17	April 24, 2017	April 30, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 18	May 1, 2017	May 7, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 19	May 8, 2017	May 14, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 20	May 15, 2017	May 21, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 21	May 22, 2017	May 28, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 22	May 29, 2017	June 4, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 23	June 5, 2017	June 11, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 24	June 12, 2017	June 18, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 25	June 19, 2017	June 25, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 26	June 26, 2017	July 2, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
Week 27	July 3, 2017	July 9, 2017	\$15.00	\$22.50	72	40	32	6	\$640.00	\$855.00	\$120.00	\$114.00	\$1,689.00	\$1,080.00	-\$609.00	-\$1,218.00
															-\$16,443.00	-\$32,886.00

NAME		EMPLOYER											
Shakeya Rhoden		Niranjan Mittal Niranjan Mittal, PLLC											
Week Number	Week Start Date	Week Ending Date	Paid per Week \$1080	OT per Day	Weekly Hours Paid	REGULAR HOURS	Weekly OT Hours	Unpaid Hours per week	Amount Due for Regular Wages	Weekly OT Due to Client	Actual paid by Employer	TOTAL UNPAID WAGES	TOTAL PENALIZED
Week 10	March 7, 2016	March 13, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 11	March 14, 2016	March 20, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 12	March 21, 2016	March 27, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 13	March 28, 2016	April 3, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 14	April 4, 2016	April 10, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 15	April 11, 2016	April 17, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 16	April 18, 2016	April 24, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 17	April 25, 2016	May 1, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 18	May 2, 2016	May 8, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 19	May 9, 2016	May 15, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 20	May 16, 2016	May 22, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 21	May 23, 2016	May 29, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 22	May 30, 2016	June 5, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 23	June 6, 2016	June 12, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 24	June 13, 2016	June 19, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 25	June 20, 2016	June 26, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 26	June 27, 2016	July 3, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 27	July 4, 2016	July 10, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 28	July 11, 2016	July 17, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 29	July 18, 2016	July 24, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 30	July 25, 2016	July 31, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 31	August 1, 2016	August 7, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 32	August 8, 2016	August 14, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 33	August 15, 2016	August 21, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 34	August 22, 2016	August 28, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 35	August 29, 2016	September 4, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 36	September 5, 2016	September 11, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 37	September 12, 2016	September 18, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 38	September 19, 2016	September 25, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 39	September 26, 2016	October 2, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 40	October 3, 2016	October 9, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 41	October 10, 2016	October 16, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 42	October 17, 2016	October 23, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 43	October 24, 2016	October 30, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 44	October 31, 2016	November 6, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 45	November 7, 2016	November 13, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 46	November 14, 2016	November 20, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 47	November 21, 2016	November 27, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 48	November 28, 2016	December 4, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 49	December 5, 2016	December 11, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 50	December 12, 2016	December 18, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 51	December 19, 2016	December 25, 2016	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
Week 52	December 26, 2016	January 1, 2017	\$15.00	\$22.50	72	40	32	6	\$600.00	\$855.00	\$1,080.00	\$-375.00	\$-750.00
												\$-16,125.00	\$-32,250.00